IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

WP(C).No. 18342 of 2007(H)

PETITIONER:

P. SUNDARESHAN @ RAMAN,
SON OF PAZHANIYANDI, KOZHIKULAM HOUSE, KOTTAYADU,
ELEVENCHERRY P.O., CHITTUR TALUK.

BY ADV. SRI.DILEEP VARGHESE

RESPONDENTS:
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1. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT, TRIVANDRUM.

2. THE DISTRICT COLLECTOR, PALAKKAD.

3. ELEVANCHERRY GRAMA PANCHAYAT,
REPRESENTED BY SPECIAL GRADE SECRETARY,
ELEVENCHERRY VILLAGE, CHITTUR TALUK,
PALAKKAD DISTRICT.

BY ADV. SRI.M.SASINDRAN
GOVT. PLEADER SRI.MOHAMMED ANZAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 18342 OF 2007 H

Dated this the 28th June, 2007

JUDGMENT

Case of the petitioner, in brief, is as follows:

He is the owner in possession of land in R.S. No.183/2 of the Elevencherry Village. It devolved on him under Ext.P1 Partition Deed. Petitioner is aggrieved by Ext.P2 which is a notice issued by the third respondent Panchayat, calling upon him to vacate from the property or he will be dispossessed. It is not issued under law and it is issued without hearing the petitioner, it is stated.

2. A Counter Affidavit has been filed by third respondent Panchayat. In paragraph 4 of the Counter Affidavit, it is stated that after receipt of the copy of the Writ Petition, the Panchayat received Ext.P3 from the petitioner and in the light of the request of the petitioner, he will be afforded all opportunity of being heard and further proceedings will be taken only after hearing the petitioner. It is also stated that the contentions

raised by the petitioner will be put to the Village Officer and his remarks will be obtained before proceeding pursuant to Ext.P2. In the light of these submissions, the Writ Petition is disposed of directing the third respondent to consider Ext.P3 after affording an opportunity of hearing to the petitioner and take a decision in accordance with law. The third respondent can proceed against the petitioner only in accordance with law.

K. M. JOSEPH, JUDGE

kbk.